

Message Text

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ACTION EUR-12

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C O N F I D E N T I A L SECTION 01 OF 04 OECD PARIS 24416

FOR ASSISTANT SECRETARY ENDERS

E.O. 11652: GDS

TAGS: ENRG, OECD

SUBJECT: IEP: DRAFT COUNCIL DECISION

REF: A) USOECD 22503 B) STATE 210911

SECRETARY-GENERAL VAN LENNEP HAS GIVEN MISSION A
SUGGESTED REVISED VERSION OF DRAFT COUNCIL DECISION
WHICH HE SAYS HE COULD SUPPORT AND WHICH HE HOPES
ASSISTANT SECRETARY ENDERS WILL HAVE CHANCE TO REVIEW
BEFORE MEETING WITH SECRETARY-GENERAL ON FRIDAY
MORNING. DRAFT IS BASED ON TEXT OF US-UK-DANISH
DRAFT CIRCULATED AT SEPT. 25 ECG "TOILETTE JURIDIQUE"
MEETING IN BRUSSELS (REF A), BUT INCLUDES SEVERAL
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SIGNIFICANT MODIFICATIONS.

SECRETARY-GENERAL INDICATED TO AMBASSADOR HIS VIEW THAT ONLY SIGNIFICANT CHANGES TO EARLIER TEXT ARE: EXPANSION OF ARTICLE 6, SUB-PARA V, TO ALLOW FOR POSSIBILITY OF PARTICIPATION BY NON-IEP OECD MEMBERS IN LONG TERM COOPERATION PROGRAM; AND, REVISION OF ARTICLE 7 TO MAKE IT CONFORM WITH HIS VIEW OF WHAT RELATIONSHIP BETWEEN SECRETARY-GENERAL, SECRETARIAT, AND ENERGY AGENCY SHOULD BE. MISSION NOTES, HOWEVER, THAT OTHER SIGNIFICANT REVISIONS HAVE ALSO BEEN MADE (SECRETARIAT INFORMS US THAT DESCRIPTION AND EXPLANATION OF THESE OTHER REVISIONS INTER ALIA IS CONTAINED IN EXPLANATORY PAPER WHICH HAS BEEN PREPARED BY SECRETARIAT AND WHICH WILL BE GIVEN TO US SHORTLY). SPECIFICALLY, MISSION NOTES THAT: A) TITLE OF AGENCY HAS BEEN CHANGED TO READ "THE ENERGY AGENCY OF THE ORGANIZATION" B) ARTICLE 1 HAS BEEN REVISED TO DELETE WORDS "AS AN AUTONOMOUS INSTITUTION". TEXT FOLLOWS: BEGIN TEXT

"DECISION OF THE COUNCIL ESTABLISHING AN ENERGY AGENCY OF THE ORGANIZATION

THE COUNCIL,

HAVING REGARD TO THE CONVENTION ON THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT OF 14TH DECEMBER 1960 (HEREINAFTER CALLED THE "CONVENTION") AND, IN PARTICULAR, ARTICLES 5(A), 6, 9, 12, 13 AND 20 OF THE CONVENTION;

HAVING REGARD TO THE FINANCIAL REGULATIONS OF THE ORGANISATION AND, IN PARTICULAR, TO ARTICLE 5, 10, 14(B) AND 16(B) THEREOF;

HAVING REGARD TO THE REGULATIONS, RULES AND INSTRUCTIONS FOR COUNCIL EXPERTS AND CONSULTANTS OF THE ORGANISATION;

NOTING THAT THE GOVERNMENTS OF CERTAIN MEMBER COUNTRIES HAVE DECLARED THEIR INTENTION TO ENTER INTO A SEPARATE AGREEMENT FOR AN INTERNATIONAL ENERGY PROGRAM

WHICH IS SET FORTH IN ANNEX I TO THE NOTE BY THE SECRETARY-GENERAL OF (C(74)) CIRCULATED FOR INFORMATION, AND WHICH IS HEREINAFTER REFERRED TO AS THE "AGREEMENT";

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HAVING REGARD TO THE RECOMMENDATION OF THE COUNCIL OF 29TH JUNE, 1971 ON OIL STOCKPILING (C(71)113(FINAL));

HAVING REGARD TO THE DECISION OF THE COUNCIL OF 14TH NOVEMBER, 1972 ON EMERGENCY PLANS AND MEASURES AND APPORTIONMENT OF OIL SUPPLIES IN AN EMERGENCY IN THE OECD EUROPEAN AREA (C(72)201(FINAL));

HAVING REGARD TO THE NOTE BY THE SECRETARY-GENERAL OF ON THE LONG TERM ENERGY ASSESS-

MENT (C(74));

HAVING REGARD TO THE RECOMMENDATION OF THE COUNCIL
OF 10TH JANUARY, 1974 ON THE SUPPLY OF BUNKER FUELS FOR
SHIPPING AND FISHING (C(73)257(FINAL));

HAVING REGARD TO THE RECOMMENDATION OF THE COUNCIL
OF 10TH JANUARY, 1974 ON THE SUPPLY OF FUEL FOR CIVIL
AIRCRAFT (C(73)258(FINAL));

HAVING REGARD TO THE REPORT BY THE SECRETARY-
GENERAL OF NOVEMBER, 1974 CONCERNING THE INTERNATIONAL

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C O N F I D E N T I A L SECTION 02 OF 04 OECD PARIS 24416

ENERGY PROGRAM (C(74));

DECIDES:

ARTICLE 1

AN ENERGY AGENCY (HEREINAFTER CALLED THE "AGENCY")
IS HEREBY ESTABLISHED WITHIN THE FRAMEWORK OF THE
ORGANISATION.

ARTICLE 2

PARTICIPATING COUNTRIES OF THE AGENCY ARE:

(A) BELGIUM, CANADA, DENMARK, GERMANY, IRELAND, ITALY,
JAPAN, LUXEMBOURG, THE NETHERLANDS, NORWAY, THE UNITED
KINGDOM AND THE UNITED STATES;

(B) OTHER MEMBER COUNTRIES OF THE ORGANISATION WHICH
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ACCEDE TO THIS DECISION AND TO THE AGREEMENT IN
ACCORDANCE WITH ITS TERMS.

ARTICLE 3

THIS DECISION WILL BE OPEN FOR ACCESSION BY THE
EUROPEAN COMMUNITIES UPON THEIR ACCESSION TO THE
AGREEMENT IN ACCORDANCE WITH ITS TERMS.

ARTICLE 4

A GOVERNING BOARD COMPOSED OF ALL THE
PARTICIPATING COUNTRIES OF THE AGENCY SHALL BE THE
BODY FROM WHICH ALL ACTS OF THE AGENCY DERIVE, AND
SHALL HAVE THE POWER TO MAKE RECOMMENDATIONS AND TO
TAKE DECISIONS WHICH SHALL, EXCEPT AS OTHERWISE
PROVIDED, BE BINDING UPON PARTICIPATING COUNTRIES, AND
TO DELEGATE ITS POWERS TO OTHER ORGANS OF THE AGENCY.
THE GOVERNING BOARD SHALL ADOPT ITS OWN RULES OF
PROCEDURE AND VOTING RULES.

ARTICLE 5

THE GOVERNING BOARD SHALL ESTABLISH SUCH ORGANS
AND PROCEDURES AS MAY BE REQUIRED FOR THE PROPER
FUNCTIONING OF THE AGENCY

ARTICLE 6

(A) THE GOVERNING BOARD SHALL ADOPT AND CARRY OUT AN
INTERNATIONAL ENERGY PROGRAM FOR CO-OPERATION BETWEEN
THE PARTICIPATING COUNTRIES IN THE FIELD OF ENERGY, THE
AIMS OF WHICH ARE:

(I) DEVELOPMENT OF A COMMON LEVEL OF EMERGENCY
SELF-SUFFICIENCY IN OIL SUPPLIES;

(II) ESTABLISHMENT OF COMMON DEMAND RESTRAINT
MEASURES IN AN EMERGENCY;

(III) ESTABLISHMENT AND IMPLEMENTATION OF MEASURES
FOR THE ALLOCATION OF AVAILABLE OIL IN TIME OF
EMERGENCY;

(IV) DEVELOPMENT OF A SYSTEM OF INFORMATION ON THE
INTERNATIONAL OIL MARKET AND A FRAMEWORK FOR CONSULTA-
TION AND CO-OPERATION WITH INTERNATIONAL OIL COMPANIES;

(V) DEVELOPMENT AND IMPLEMENTATION, IN CO-OPERA-
TION WHERE APPROPRIATE WITH OTHER MEMBER COUNTRIES, OF A

LONG-TERM CO-OPERATION PROGRAMME TO REDUCE DEPENDENCE ON
IMPORTED OIL, INCLUDING: CONSERVATION OF ENERGY,
DEVELOPMENT OF ALTERNATIVE SOURCES OF ENERGY, ENERGY
RESEARCH AND DEVELOPMENT, AND SUPPLY OF NATURAL AND
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ENRICHED URANIUM;

(VI) PROMOTION OF CO-OPERATIVE RELATIONS WITH OIL
PRODUCING COUNTRIES AND WITH OTHER OIL CONSUMING
COUNTRIES, PARTICULARLY THOSE OF THE DEVELOPING WORLD.
THE GOVERNING BOARD MAY ADOPT OTHER MEASURES OF CO-
OPERATION IN THE ENERGY FIELD WHICH IT MAY DEEM
NECESSARY AND OTHERWISE AMEND THE PROGRAM BY UNANIMITY,
TAKING INTO ACCOUNT THE CONSTITUTIONAL PROCEDURES OF THE
PARTICIPATING COUNTRIES.

(B) UPON THE PROPOSAL OF THE GOVERNING BOARD OF THE
AGENCY, THE COUNCIL MAY CONFER ADDITIONAL RESPONSIBILI-
TIES UPON THE AGENCY.

ARTICLE 7

(A) THE ORGANS OF THE AGENCY SHALL BE ASSISTED BY AN
EXECUTIVE DIRECTOR AND SUCH STAFF AS IS NECESSARY WHO
SHALL FORM PART OF THE SECRETARIAT OF THE ORGANISATION.

(B) THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE
GOVERNING BOARD ON THE PROPOSAL OF THE SECRETARY-
GENERAL.

(C) IN PERFORMING THEIR DUTIES UNDER THE INTERNATIONAL
ENERGY PROGRAM, THE SECRETARY-GENERAL, THE EXECUTIVE
DIRECTOR AND THE STAFF SHALL BE RESPONSIBLE TO AND
REPORT TO THE ORGANS OF THE AGENCY.

(D) CONSULTANTS TO THE AGENCY MAY BE APPOINTED FOR A
PERIOD EXCEEDING THAT PROVIDED IN REGULATION 2(B) OF THE
REGULATIONS AND RULES FOR COUNCIL EXPERTS AND
CONSULTANTS OF THE ORGANISATION.

ARTICLE 8

THE GOVERNING BOARD SHALL REPORT ANNUALLY TO THE

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C O N F I D E N T I A L SECTION 03 OF 04 OECD PARIS 24416

COUNCIL ON THE ACTIVITIES OF THE AGENCY. THE
GOVERNING BOARD SHALL SUBMIT, UPON THE REQUEST OF THE
COUNCIL OR UPON ITS OWN INITIATIVE, OTHER COMMUNICA-
TIONS TO THE COUNCIL.

ARTICLE 9

THE GOVERNING BOARD AND SUBORDINATE BODIES SHALL
PERFORM THEIR DUTIES IN CO-OPERATION WITH OTHER
COMPETENT BODIES OF THE ORGANISATION ON QUESTIONS WHICH
COME WITHIN THEIR TERMS OF REFERENCE. THESE BODIES
SHALL CONSULT THE GOVERNING BOARD AND APPROPRIATE
SUBORDINATE BODIES OF THE AGENCY ON ALL QUESTIONS
RELATING TO THE ACTIVITIES OF THE AGENCY.

ARTICLE 10

(A) THE BUDGET OF THE AGENCY SHALL FORM PART OF THE
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BUDGET OF THE ORGANISATION AND EXPENDITURE OF THE
AGENCY SHALL BE CHARGED AGAINST THE APPROPRIATIONS
AUTHORISED FOR IT UNDER PART II OF THE BUDGET WHICH
SHALL INCLUDE APPROPRIATE BUDGET ESTIMATES AND
PROVISIONS FOR ALL EXPENDITURE NECESSARY FOR THE
OPERATION OF THE AGENCY. EACH PARTICIPATING
COUNTRY'S SHARE IN FINANCING SUCH EXPENDITURE SHALL

BE FIXED BY THE GOVERNING BOARD. SPECIAL EXPENSES INCURRED BY THE AGENCY IN CONNECTION WITH ACTIVITIES REFERRED TO IN ARTICLE 11 SHALL BE SHARED BY THE PARTICIPATING COUNTRIES IN SUCH PROPORTIONS AS SHALL BE DETERMINED BY UNANIMOUS AGREEMENT OF THOSE COUNTRIES. THE GOVERNING BOARD SHALL DESIGNATE AN ORGAN OF THE AGENCY TO ADVISE THE GOVERNING BOARD AS REQUIRED ON THE FINANCIAL ADMINISTRATION OF THE AGENCY AND TO GIVE ITS OPINION ON THE ANNUAL AND OTHER BUDGET PROPOSALS SUBMITTED TO THE GOVERNING BOARD.

(B) THE GOVERNING BOARD SHALL SUBMIT THE ANNUAL AND OTHER BUDGET PROPOSALS OF THE AGENCY TO THE COUNCIL FOR ADOPTION BY AGREEMENT OF THOSE PARTICIPATING COUNTRIES OF THE AGENCY WHICH VOTED IN THE GOVERNING BOARD TO SUBMIT THE PROPOSALS TO THE COUNCIL.

(C) NOTWITHSTANDING THE PROVISIONS OF ARTICLE 14(B) OF THE FINANCIAL REGULATIONS, THE GOVERNING BOARD MAY ACCEPT VOLUNTARY CONTRIBUTIONS AND GRANTS AS WELL AS PAYMENTS FOR SERVICES RENDERED BY THE AGENCY.

(D) NOTWITHSTANDING THE PROVISIONS OF ARTICLE 16(B) OF THE FINANCIAL REGULATIONS OF THE ORGANISATION, APPROPRIATIONS IN RESPECT OF THE SPECIAL ACTIVITIES REFERRED TO IN ARTICLE 11 OF THIS DECISION, FOR WHICH NO COMMITMENT HAS BEEN ENTERED INTO BEFORE THE END OF THE FINANCIAL YEAR FOR WHICH THEY WERE APPROPRIATED, SHALL BE AUTOMATICALLY CARRIED FORWARD TO THE BUDGET FOR THE ENSUING YEAR.

ARTICLE 11

ANY TWO OR MORE PARTICIPATING COUNTRIES MAY DECIDE TO CARRY OUT WITHIN THE SCOPE OF THE PROGRAM SPECIAL ACTIVITIES, OTHER THAN ACTIVITIES WHICH ARE REQUIRED TO BE CARRIED OUT BY ALL PARTICIPATING COUNTRIES UNDER THE AGREEMENT. PARTICIPATING COUNTRIES WHO DO NOT WISH TO TAKE PART IN SUCH ACTIVITIES SHALL ABSTAIN FROM

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TAKING PART IN SUCH DECISIONS AND SHALL NOT BE BOUND BY THEM. PARTICIPATING COUNTRIES CARRYING OUT SUCH ACTIVITIES SHALL KEEP THE GOVERNING BOARD INFORMED THEREOF.

ARTICLE 12

IN ORDER TO ACHIEVE THE OBJECTIVES OF THE PROGRAM, THE AGENCY MAY ESTABLISH APPROPRIATE RELATIONSHIPS WITH COUNTRIES WHICH ARE NOT PARTICIPATING COUNTRIES,

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C O N F I D E N T I A L SECTION 04 OF 04 OECD PARIS 24416

INTERNATIONAL ORGANIZATIONS (WHETHER GOVERNMENTAL OR
NON-GOVERNMENTAL), PRIVATE ENTITIES AND INDIVIDUALS.

ARTICLE 13

(A) A PARTICIPATING COUNTRY FOR WHICH THE AGREEMENT
SHALL HAVE CEASED TO BE IN FORCE OR TO APPLY
PROVISIONALLY SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE
AGENCY.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A), A
COUNTRY WHOSE GOVERNMENT SHALL HAVE SIGNED THE AGREEMENT
MAY, UPON WRITTEN NOTICE TO THE GOVERNING BOARD AND TO
THE GOVERNMENT OF BELGIUM TO THE EFFECT THAT THE
ADOPTION OF THE PROGRAM BY THE GOVERNING BOARD IS
BINDING ON IT PURSUANT TO THIS DECISION, REMAIN A
PARTICIPATING COUNTRY OF THE AGENCY AFTER THE
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AGREEMENT SHALL HAVE CEASED TO APPLY FOR IT UNLESS THE
GOVERNING BOARD DECIDES OTHERWISE. SUCH A COUNTRY
SHALL HAVE THE SAME OBLIGATIONS AND THE SAME RIGHTS AS
A PARTICIPATING COUNTRY OF THE AGENCY FOR WHICH THE
AGREEMENT SHALL HAVE ENTERED DEFINITELY INTO FORCE.

ARTICLE 14

THE PRESENT DECISION SHALL ENTER INTO FORCE ON
15TH NOVEMBER, 1974." END TEXT
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